

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

AURELIA FERNANDES,

Plaintiff,

VS.

CIVIL ACTION NO. W-11-CA-137

**WAYNE HAYES and BETTY
BASKERVILLE
a/k/a BETTY HAYES
a/k/a BETTY CUNNINGHAM.**

Defendants.

JURY DEMAND

DECLARATION OF AURELIA FERNANDES

1. My name is Aurelia Fernandes. I am the Plaintiff in this lawsuit. I am over 21 years of age, of sound mind, have never been convicted of a felony, and am otherwise fully competent to make this affidavit. I have personal knowledge of the facts set forth in this affidavit.
2. I worked for Wayne and Betty Hayes seven days a week after they brought me to the United States in 2008. In Kuwait, Wayne and Betty had given me Sundays off, but I did not have days off after I came to the United States.
3. When I was working for Wayne and Betty in the United States, between the time I got up in the morning, around 7 a.m., and the time I went to bed at night, around midnight or 1 a.m., I did not have time that I could use for my own business. During the day Wayne and Betty were always asking me to do things unexpectedly for themselves, the children in the house, and guests. There was always a disturbance and I would not know what they were going to tell me to do at what time. I did not have a schedule, and I could not leave

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the house to do my own things. I would work all day for Wayne and Betty and the only time I had to myself was when I was sleeping. When I was out of bed, I was on call for Wayne and Betty all the time.

4. For two weeks in November 2008, before Thanksgiving, I did no work for Wayne and Betty because they sent me away from their house for two weeks.
5. My hours changed when Wayne and Betty moved me to Texas in August 2010. Around the end of August, Betty told me that I had to get a job because I was a burden on the family. I began working at a gas station near Wayne and Betty's house in Killeen. For a few days starting at the end of August, I worked at the gas station from around 10 or 11 in the morning until 5 or 5:30 p.m. On those days, I still had to do housework for Wayne and Betty from around 7 a.m. when I woke up until I left for the gas station at around 10 or 11. I also did housework for Wayne and Betty when I returned from the gas station around 5:30 p.m. until I went to bed around midnight or 1 a.m. After a few days, starting around the beginning of September, the gas station manager told me I needed to work the night shift, from 5 p.m. until midnight. I worked the night shift at the gas station from the beginning of September until around September 20, 2010. During that time, I would have to do housework for Wayne and Betty from around 7 a.m., when I got up, until around 5 p.m., when I left for the gas station. After around September 20, 2010, I did not work at the gas station anymore, and I went back to the same hours I had worked for Wayne and Betty in Alabama, working for them from around 7 a.m. until around midnight or 1 a.m. when I went to sleep.
6. Once I went to sleep, I usually had that time to myself, but sometimes I had to get up in the middle of the night to make the children a sandwich or do something else for Wayne

or Betty. I slept on a couch in the public area of the house in Harvest, Alabama and did not have any privacy. Once Wayne and Betty moved to Huntsville, Alabama, I had to sleep in the same bed with their grandchildren, and the children often woke me up at night. Because of this, and because I often could not sleep due to stress, I was often exhausted during the day.

7. Wayne and Betty often had guests in the house. They had guests every Saturday and Sunday and usually two other nights per week, for a total of around four nights per week. When guests were in the house, apart from my normal job, I would need to do anything Wayne and Betty asked me to do for the guests, including cooking. I never knew when guests were going to come.
8. I never felt free to go out for a walk or to do my own things outside the house. I had to be in the house to wait for Wayne and Betty to tell me what to do.
9. This situation in the United States was different from my work for Wayne and Betty in Kuwait. In Kuwait, I had every Sunday off, and I always had a few hours during work days to do my own things. All of this changed when Wayne and Betty brought me to the United States, and I had no more freedom to do my own things and no days off.
10. I think my mother was feeling all the stress of thinking about me and not having any money made her sick. She had two heart attacks while I was in the United States. When we spoke on the phone, which was not very often or for very long, my mother would cry and tell me how sad she was, crying because there was no money coming in for her and my family. It made me cry when I heard her and I felt sad.
11. I was often so sad and upset because I missed my family. I often prayed and cried because of the problems I had with my work and my visa. All the time I was thinking

about my family because I am the head of the family who has to support everybody and they depend on me waiting for my money. My family made so much sacrifice and in the U.S. I made a lot of sacrifices each and every day.

12. I had a small suitcase and that is all I had. Betty told me only to bring summer clothes and so I did not have any warm clothes. In the winter I didn't have warm clothes and it was cold in the house. I didn't have a jacket to wear, and I did not have any money to buy clothes because Betty never paid me. In the winter time I was sick a lot because I did not have warm clothes. Betty was telling me "Bushan don't get sick it's very expensive we can't take you in hospital." Bushan was my nickname.

13. Wayne and Betty never paid any medical expenses for me when I was working for them in the United States. When I got sick, they just gave me cough syrup or Tylenol, and they would not take me to the doctor.

14. When I was with Wayne and Betty, I always felt so frustrated and like I did not have options. I couldn't leave and it was stressful and sad and hard for me to stay. So I was waiting and waiting for Betty to give me some money, but no. She never paid me. If I asked they would get very angry with me. I felt urgency because my family needed money.

15. One time after Defendants refused to pay me, I cried all night long because I was so upset. I had no one in the United States to support me, only Wayne and Betty, and my family needed me. Because of this, I had to take out thousands of dollars in loans to try to provide for my family's most basic needs. Even thinking about it now makes me upset.

16. Another time after Wayne and Betty promised to send money to my family but did not send it, I felt it was very hard, so difficult. I cried a lot because I came here because Wayne and Betty promised me to give my children an education, bring me here, and help me with my life while I was here, but they did not do any of those things. In Kuwait, I had felt like I was in charge of my life and could take care of things. During the years I spent with Betty and Wayne, I felt like I had become a completely different person. I felt like I had no control.
17. After Betty found out I mentioned my work situation to her friend in New Orleans, she started screaming at me and asking me why I opened my mouth. I told Betty her friend asked me a question and I gave her an answer. They know how much they are guilty. They messed up my life.
18. After I escaped from Wayne and Betty's house in Killeen, I stayed at the shelter for a while, but while I was at the shelter I did not sleep well, and sometimes I didn't feel like eating. I felt like I had shortness of breath and I think it was because I was worried.
19. After I left the first shelter, I went to see a doctor. At the doctor they asked me about my diet, because I was having a lot of problems with my stomach and how I was eating.
20. I still feel very sad about my situation and it is very hard to forget it. It is still a part of me. Every time I think about it I cry. Now I think about this experience whenever I am alone by myself. All these things come back in my mind.
21. Counseling is hard because I am telling my story and it makes me cry. I have a hard time trusting people after my experience with Wayne and Betty.

22. My health has changed since when I first came to the United States. It has become worse. I feel like I have a lot of problems with my stomach and the doctors told me they are worried and so I go for more tests.
23. While Wayne and Betty were not paying me in the United States, they took me to visit some fancy houses they were thinking of buying. Betty took me to look at two or three nice houses. I think the houses were 3.5 million dollar houses. One house had four kitchens. One of the houses was under construction and Betty would tell her friends that she would buy that house when it was done. She seemed serious about buying the houses. The houses were in rich areas in Alabama near Huntsville.
24. Around May 2010, Betty and Wayne got several big checks in the mail and were very happy. They went shopping and went out to eat to celebrate. They locked me in the house and they still did not pay me. This made me feel very bad and I cried, because they lied to me that they would pay me and they did not give me money but they did everything they wanted to do to spend the money.
25. I was very stressed because Wayne and Betty were not paying me. I could not sleep, I had some feeling in my head, some chest pain from crying, and no one to share with. I even got stomach pains. Most of the time I would not feel like eating because of the stress. The worst thing was that I could not sleep. I still have those symptoms. Sometimes I have headaches.
26. After I escaped, I decided I wanted to try to hold Wayne and Betty accountable for what they did to me. I also very much wanted to get my things back. I asked for my things in 2010, but they would not give my things to me. My lawyer got my things back from Wayne and Betty in November 2011. Wayne and Betty had kept everything I brought

with me to the United States. They had my clothes, family keepsakes, family jewelry from my wedding and from my mother, photographs of my children, and important documents.

27. Wayne and Betty kept my things in storage, and when I got my things back, I found that all of the clothing was ruined and had some mold or something that smelled bad on it. I had to throw all of my clothes and shoes away, and also some toiletries and spices. I also had to throw away half of the pictures that I had brought. These were my favorite pictures of my children, friends, and family, and I had to throw away 25 pictures, or about half of my pictures. I had to throw away about 75 percent of the things Wayne and Betty had kept, because it was spoiled.
28. I felt very bad that I had to throw away my things, especially my pictures, because they were my selected and favorite pictures of my loved ones, and now half of them are gone.
29. All in all, I believe that the value of the things Wayne and Betty had that I had to throw away was about 300 Kuwaiti dinars. I cannot tell the emotional value of the lost photos, because they are priceless to me.
30. I also got back from Wayne and Betty the jewelry my mother gave me for my wedding. In Indian culture, this wedding jewelry is very important. Most of us keep this our whole lives, until we give it to our daughters and daughters in law. Family gold has a lot of emotional value because it has been passed down for generations. It is cultural. Some of the things you wear on wedding day are always blessed. Also with this jewelry were a few ornaments I made for my son and my daughter that I was going to give to them. All of this was worth around U.S. \$15,000.

31. I do not know the rental value of this jewelry. I do not know whether you can rent gold.

In India we never rent this jewelry and never give it to someone else outside the family.

because it is special and it is family jewelry.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: March 9, 2012.



Aurelia Fernandes